Application Number	10/043,028		Reexamination BENAYOUN ET AL						
Document Code - DISQ		Internal Document – DO NOT MAIL							
TERMINAL DISCLAIMER	☑ APPROV	ED	☐ DISAPP	□ DISAPPROVED					
Date Filed : February 15, 2006	to a Te	t is subject erminal aimer	·						
Approved/Disapproved by:									
Henry D. Jefferson		·							
			·						

U.S. Patent and Trademark Office

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			02-Mar-06	APPL. S. N:		10043028						
To Exami	ner:		LIOU, JONATHAN	Art Unit		2663						
From			Jefferson, Henry PARALEGAL SPCECIALIST	Drop Off Lo	Memo To: Case cation	JEF-2D68						
SUBJECT	r: Decisio	n on Termina	al Disclaimer(T.D.) filed:									
form para or have a	agraphs id ny questi	dentified by to ons, please :	ed the submitted T.D. with this informal memo in your see me or the Special Progr O APPLICANT OR (2) PLACE	next Office action to am Examiner. THIS	o notify applicant of t S IS AN INFORMAL, IN	he T.D. If you disag NTERNAL MEMO ONL	ree .Y.					
please ini	itial, date	and return t	his memo to me. THANK Y	ου.								
<u> </u>	The T.D.	ne T.D. is PROPER and has been recorded (see 14.23).										
	The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):											
		The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account										
		The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).										
		The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).										
		The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see $14.26.8.14.26.02$).										
		The person who signed the T.D.:										
		is not an attorney "of record" (see 14.29 and 14.29.01).										
	has failed to state his/her capacity to sign for the business entity (see 14.28).											
		is	not recognized as an office	r of the assignee (see 14.29 & possible 14.29.02).								
		No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel ar frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).										
	The T.D. is not signed (see 14.26 & 14.3				·							
		The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).										
		The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).										
		The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).										
		Other:					<u>△</u>					
		Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.										
I have a	propriate	ly notified a	pplicant(s) of the status of	the Terminal Disclai	mer filed in this case							
Ex.Initial	s:	Da	te:	•	,	Log Date:						

PATENT Docket No. FR920000082US1

CERTIFICATE OF FACSIMILE (37 C.F.R. 1.8(a)) I hereby certify this correspondence is being faxed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at Fax No. 571/273-8300 on February 15, 2006, Vickie Diane Hawkins Signature:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

A. Benayoun, et al.

February 15, 2006

IBM Corporation

Serial No. 10/043,028

Dept. YXSA, Bldg. 002

P.Q. Box 12195

Filed: January 9, 2002

Research Triangle Park, NC 27709

For: Expandable Self-Route

Multi-Memory Packet Switch

With a Configurable Multicast:

Mechanism

Group Art Unit: 2663

Examiner: Liou, Jonathan

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER **U.S. PATENT NUMBER 6,904,048**

International Business Machines, owner of 100 percent Interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of full statutory term defined in 35 USC 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent Number 6,804,046. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and said U.S. Patent Number 6,904,046 are commonly owned. This agreement runs with any patent granted on the Instant application and is binding upon the grantee, its successors or assigns.

PATENT Docket No. FR920000082US1

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full, statutory term as defined in 35 USC 164 to 166 and 173 of the named patent, as presently shortened by any terminal disclaimer, in the event that said named patent later expires for failure to pay a maintenance tee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of said named patent fully statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willfully false statements may leopardize the validity of the application or any patent issued thereon.

Charge IBM Deposit Account 09-1990 the sum of \$130.00.

Joseph M. level Grong.
Joseph G. Cookburn, Attorney of Record.

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